

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: **Ashley C. Wilson**

Case No.: **18-17973-mdc**

Chapter 13

Debtor(s)

MOTION TO MODIFY CHAPTER 13 PLAN

Pursuant to 11 USC § 1229 and §1329, the debtor, by and through the undersigned counsel, moves this court for an order modifying the confirmed Ninth Amended Chapter 13 Plan and replacing it with the First Modified Chapter 13 Plan filed this day. In support of this motion, debtor represents as follows:

I. BACKGROUND

1. The debtor filed a voluntary petition under Chapter 13 of Title 11 of the United States Bankruptcy Code on December 3, 2018. The debtor's Chapter 13 plan was confirmed on September 19, 2019. The confirmed plan provided for the cure of a mortgage arrearage.

2. As a result of an illness, the debtor was unable to work full-time for several months in 2019. As a result, the debtor fell behind on her Chapter 13 plan payments.

3. The debtor also fell behind on her mortgage payments. The debtor is in the process of addressing the mortgage arrearage, and a hearing in that matter has been set for January 28, 2020.

4. The trustee filed a motion to dismiss for nonpayment on November 22, 2019, which is still pending.

5. The debtor has returned to work full-time and is now able to present a workable plan.

II. BASIS FOR RELIEF

7. The debtor's financial circumstances have changed since confirmation of the current Chapter 13 plan for the following reasons:

8. The debtor's income has changed (Exhibit B, Pay Advices), and she has incurred additional expenses since filing. (See Amended Schedules I and J). However, the debtor's current net income is sufficient to meet her obligations under the revised plan.

9. If the debtor must start over in a new Chapter 13 case, convert to Chapter 7, or enter into non-bankruptcy workouts, the remaining creditors will be prejudiced. Under any such scenario, it will take significantly longer for creditor claims to be paid. Therefore, it would be a waste of judicial, creditor, and debtor resources if the debtor is not permitted to complete her Chapter 13 case.

III. RELIEF REQUESTED

WHEREFORE, debtor prays this court to grant debtor's motion and for such other relief as this court deems appropriate.

Date: January 8, 2020.

Respectfully Submitted,

By: /s/ Daniel E. Mueller
Daniel E. Mueller
40 W. Evergreen Ave, Suite 101
Philadelphia, PA 19118
dan@harborstonelaw.com
215-248-0989